

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Cossack Yc (EX REL: Davon Leo Townsell),

Plaintiff,

v.

The State of Nevada,

Defendant.

Case No. 2:22-cv-00104-GMN-DJA

**Order
&
Report and Recommendation**

Plaintiff is proceeding *pro se* and has requested to proceed *in forma pauperis* under 28 U.S.C. § 1915. (ECF No. 6). Plaintiff also submitted two complaints and a motion for summary judgment. (ECF Nos. 6-1, 6-2, and 7). However, the Court finds Plaintiff's *in forma pauperis* application is incomplete because Plaintiff did not sign his application or complaints as required under Federal Rule of Civil Procedure 11. (ECF No. 1-1 at 5). Accordingly, the Court cannot grant Plaintiff's request to proceed *in forma pauperis* under 28 U.S.C. § 1915(a).

Because the Court cannot determine whether Plaintiff is eligible to proceed *in forma pauperis*, it denies his application without prejudice. Having concluded that Plaintiff is not entitled at this time to proceed *in forma pauperis*, the Court need not screen the complaint under 28 U.S.C. § 1915(e)(2)(B) which requires the dismissal of the case at any time if the Court determines that it is frivolous or malicious or fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant who is immune from such relief.

Additionally, because Plaintiff's complaint has not passed screening, his motion for summary judgment is premature. Plaintiff's complaint is not yet filed. Nor has Plaintiff served any defendants. The Court thus also recommends denying Plaintiff's motion for summary judgment without prejudice as premature.

ORDER

IT IS THEREFORE ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 6) is **denied** without prejudice as incomplete. The Clerk of Court is kindly directed to mail Plaintiff a copy of this order.

IT IS FURTHER ORDERED that Plaintiff shall have until **Wednesday, May 11, 2022**, which is thirty days from the date of this order, to file a completed application to proceed *in forma pauperis*, along with one signed complaint. In the alternative, Plaintiff may decide to pay the filing fee of \$350 and administrative fee of \$52, for a total of \$402, accompanied by a copy of this order and one signed complaint. Failure to comply with this order will result in a recommendation to the District Judge that this action be dismissed.

REPORT AND RECOMMENDATION

IT IS THEREFORE RECOMMENDED that the motion for summary judgment (ECF No. 7) be **denied without prejudice as premature**.

NOTICE

This report and recommendation is submitted to the United States District Judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

DATED: April 11, 2022



DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE